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**ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. ADOLFO VARGAS LEPE, Defendant.	CR 23-79-BLG-SPW CRIMES, WRONGS, OR OTHER ACTS SECXOND NOTICE, <i>Rule</i> 404(b), <i>Federal Rules of Evidence</i>
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The United States of America, represented by Zeno B. Baucus and Ryan G. Weldon, Assistant United States Attorneys for the District of Montana, provide this second notice to the Court and defense that it anticipates introducing, in its case-in-chief, evidence other crimes under Fed. R. Evid. 404(b). *United States v. Sneezer*,

983 F.2d 920, 924 (9th Cir. 1992) (explaining Rule 404(b) is an “inclusionary rule”). The evidence the United States anticipates submitting to the trial jury under Fed. R. Evid. 404(b) is summarized below.

A. Lepe beats and restrains Jane Does 4 and 5.¹

In approximately 2009, Jane Doe 4 was 16 years old and pregnant. USAO 4972. Jane Doe 5 was the mother of Jane Doe 4. USAO 4972. During that time, Lepe held Jane Doe 5 captive, refusing to allow Jane Doe 5 to leave the house for “a couple of days.” USAO 4973. Jane Doe 5 finally escaped. USAO 4973. Prior to doing so, Jane Doe 5 told Jane Doe 4, “I need to get out of here.” USAO 4973. Jane Doe 5 escaped to the shelter shortly thereafter. USAO 4973.

After learning of the escape, Lepe told Jane Doe 4 he was going to “beat [Jane Doe 5’s] ass” if he found her. USAO 4973. Because he could not find Jane Doe 5, Lepe instead chose Jane Doe 4. USAO 4973. Lepe beat Jane Doe 4 despite her being pregnant and only 16 years old at the time. USAO 4973. Jane Doe 4 went to the hospital after the beating, but she was not able to take X-rays due to the risk of exposing the unborn child to radiation. USAO 4973.

B. Lepe forbids Jane Doe 6 from leaving the residence.

Jane Doe 6 was in a dating relationship with Lepe’s son. USAO 8658. Lepe provided Jane Doe 6 and his son with marijuana. USAO 8658. Lepe’s son and

¹ The second superseding indictment refers to Jane Does 1-3. (Doc. 44.) This notice will refer to the additional victims as Jane Does 4-6.

Jane Doe 6 stayed at Lepe's house. USAO 8658. Jane Doe 6 decided she was leaving Lepe's house, but Lepe "flipped out." USAO 8658. Lepe prevented Jane Doe 6 from leaving the house, and when she tried to call her father with a cell phone, Lepe took the phone. USAO 8658. Lepe threatened Jane Doe 6 that he would summon his daughter to beat Jane Doe 6. USAO 8658. Lepe went outside, and he held the door shut so Jane Doe 6 could not escape. USAO 8659. When Lepe left the residence, Jane Doe 6 escaped to the neighbor's house and called the police. USAO 8659. Jane Doe 6 did not provide a statement, but she left the State of Montana. USAO 8659.

C. Lepe Assaults Jane Doe 7

When she was approximately 12 years of age, Jane Doe 7 traveled with Lepe and was privy to his drug distribution business. USAO 8037. While much of her anticipated testimony is direct evidence of the charged crimes – including possession with intent to distribute controlled substances and kidnapping - and not subject to Fed. R. Evid. 404(b), Jane Doe 7 was also subject to Lepe's sexual advances and comments. *E.g.*, USAO 8038-8039.

D. Lepe keeps John Doe 1 captive.

In roughly 2019, John Doe 1 traveled with Lepe and others to Mexico. USAO 9632. While much of his anticipated testimony is direct evidence of the charged crimes – including possession with the intent to distribute controlled

substances - and not subject to Fed. R. Evid. 404(b), John Doe 1 was also held captive in a house by Lepe and was able to escape. *E.g.*, USAO 9635-9636.

E. Lepe sexually assaults Jane Doe 8.

In approximately 1993, when Jane Doe 8 was 12-year-old, she lived with Lepe in California. USAO 9677. In addition to physically abusing Jane Doe 8, there were three or four occasions when Lepe sexually abused her. *Id.* She also witnessed Lepe physically abuse other individuals.

DATED this 25th day of October, 2024.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1, this certifies that the body of the attached notice contains 661 words, excluding the caption and certificate of compliance.

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